1889-90
(L. R.)

File: No 81-89
Serial No. 1-9

Sub:- Petition of Thippegowda of Bhankoppal, Nelamangala Taluk for having ~~been~~ been deprived of his Inam land

Previous reference.

File No. 81 89

192

Serial Nos. 1-9.

(Cr)

Later reference.

GENERAL AND REVENUE SECRETARIAT.

Serial No. 1-9

On ~~Part~~ B for September 89

SUBJECT.

Petition of Lipperegowda of Bhavikoppal, Nagamangala Taluk, to having been deprived of his Inam land.

To The Deputy Commissioner, Mysore District.

No 7167 / 426 Dt. 13-9-90 / 20-9-90

Stating that the question of Excess in his Inam having been disposed of so long ago as 1862, the Government will [illegible]

Commissioner [illegible]

LR.81-89-1 (26) No 287.

ಸ್ವೀಕರಿಸಲಾಗಿದೆ
ಇಲಾಖೆ 20/4/89

ಶ್ರೀ ಸೂರ್ಯನಾರಾಯಣ ಹಾಂಬಾಂಬಾಂತ್ರಿ ಜಾಂಬಾಂ
ಪ್ರಧಿಡಿಯುಕ್ಕಿ ಬಡಪ್ಪಾಕ್ಕೆ ಜಿ.ಸಿ.ಎಸ್.ಪಿ.ಯವರ
ಜೂಂಕ್ಕು ಪ್ರಾಂಚನೆ

ಯುಹಾಂಪ್ಪಾಂ

ಪಾಂಡಜಾಂಕ್ಕೆ ನಾಗಮಂಗಲದಕ್ಕಾಂಟ್ಟೆ ಹೊಂಗಾಂಕ್ಕೆ ಹೊಂ
ಗ್ಗೆ ಹೊಂಗಾಂಮಾಂಗ್ರಾಮಕ್ಕೆ ಕೇಂದ್ರ ಭಾಂಕಿಂಪ್ರಾಂ ಕಿಕ್ಕೆಂಗಾ
ಯುಹಾಂಪ್ಪನ್ನಿಧಾನಕ್ಕೆ ಬೇಡಿಕ್ಕೊಳ್ಳುವ ಅಡವಾಂಕ್ಕಿಂಬ

ಆಕ್ಕಿದ ಯುಹಾಂಪ್ಪಾಂಯವರಾದ ಶ್ರೀ ಪ್ರಭ್ಯಾಂಜೇಂದ್ರ ಪ
ಯುಕ್ಕಿ ಬಡಪ್ಪಾಕ್ಕೆ ಪ್ರವರು ಕ್ಕೆ ಸೂರಿಂದ ಬಳ್ಳಾಂಗಿಂ ಕಿರನ
ರಂಯುಕೊಂಡಿನಕ್ಕೆ ನೂಂಕನಾಂಗಿ ಕೆಂಬಾಳ್ಳ- ಮಂಪೆಕಗಳ್ಳು
ಕ್ಕೆ ಯುಹಾಂಪ್ಪಿಕ್ಕೆ ಖಾಕ್ಕೆ ನೆಡ ಸಹಾಕ್ಕಿರದಂದ ಕಷ್ಟ ಕಿ ಮಂಗಳ
ರಲು ಕೆಯಂಗಾಗಿಕ್ಕೆಂಕ್ಕೆ ಮಾಂಡಿ ಕಿದರು

ಇದುಗಳ್ಳ ಝೂಡಮಾಂಕೆಲಸಕ್ಕೆ ಯುಕ್ಕೆ ಅಗಾಂಕಕಾಂ
ಕೆಂಕಸಕ್ಕೆ ಪ್ರಾಕ್ಕಾಂಕಿಗಾ ಯುಳ್- ಕಷ್ಟ ಗಾಕೆಂಬಾಪ್ಪುಕ್ಕೆಂ
ಇಯುವದಕ್ಕಾಗಿ ಸಹನನ್ನಾಕಾಕ ಬೇಂಕೆಂ ಕಾಡಮಾಗಿ ನೆಂಯ
ವನ ಜೋವನಕ್ಕೆ ಯುಕಯುವರ ಹಾಂಪ ಇನಾಯುಕಿಯುಪ್ಪಿ ಭಾಂಗಿ
ಪ್ಪು ನಾಯ್ಕ ಕಿಕ್ಕಿನಕ್ಕೆ ಶಿಲಾ ಪ್ರತಿಕ್ಕೆಂಗಾಂಡಿಕಿಕ್ಕೆ ಪ್ರೇಂ

ಗಂ-ಟಂಯಯು ಕಿಗ್ಗವರಿಗಾಂಯುಲ್ಲಾಂಡ ನಾಕಿಂಗಾಂಕಿಕ್ಕೆಂ
ನಿರಾಂಕಂಕಾಗಿ ನನ್ನಕಾಕ ಬೇಂಕೆಂ ಕಾಡ, ಇವನಯುಕ್ಕೆಂ
ನನ್ನಕಂಡ ನಾರಾಯುಂಗಾಂಕ, ಇವನ ಅಂಗಾಂಕೆಂ ನೇಂಗ
ಯುಕ್ಕೆ ಇವನಕಕ್ಕೆ ಈಕೆಂ ಕಾಡ ಸಹಲ್ಲನು ಪ್ರಕಿಕ್ಕೆ
ಬಂದರು

ಈಚೆಗೆ [illegible] ಅ[illegible] ಜನಗಳು

ಸುಧೈ ಕೆಲವು ಬಿಂಬಗಳು ಬಲಾತ್ಕಾರದಿಂದ ವಿಗ್ರಹಗಳಿಗೆ ಪ್ರತಿ
ಷ್ಠೆ ಮಾಡಿಸಿ ಇನ್ನು ಕೆಲವು ಸ್ಥಳಗಳಲ್ಲಿ ಇದಾಗ್ಯೂ ಹನ್ನೆರಡು ಮ
ಠಗಳಿಂದ ಸ್ವಾಮಿಗಳು ಮಾಡಿ ಕಡವಳಿ ಭಾಂಬುಗಳು ಸ್ಥಾಪಿಸಿದ
ಂಬುದು ಸಹ ಹಾಕಿ ಇದ್ದಾರೆ—

ಈ ಅಂಶಗಳನ್ನು ಕುರಿತು ಸನ್ 1874 ನೇ ಇಸವಿಯಲ್ಲಿ
ಪ್ರೊಫೆಸರ್ ಹಾಂಕೇಬಳ್ಳ ಸಾಹೆಬರವರು ಮಾಡಿದ್ದ
ಪ್ರಸಿದ್ಧಿಯಾದ ಬಾಬ್ಲಿಯಾಂಕ್ಷನರಿ ಪುಸ್ತಕದಲ್ಲಿ ಇದೆಯಂದು
ಕೇಳಿ ಇದರಿಂದ 2627 ವರ್ಷಗಳಿಗೆ ಮುಂಚೆ ಇದ್ದ ಹಾಗೆ
ಕುಶ್ಚಾಂಗಾಂತ್ರ ಹೆಂಜ್ಜೆಗಳು— ಆಲಾಂಗಾಲುಗಳು ಕಡೆಗೆ ಸಂಗಾ
ಗಳ್ ಗಾಂತಿ ಕೆಳ್ಳ ಡಲ್ಲಿ—

ಸುಮಾರು ಮುಂದಿನ ಖಾಸ್ಪಾಂತಿ ನಾಗಮಂಗಲ ಪಟ್ಟ
ಣಾಗಳು ಲಗಳಿಗೆ ದಯಮಾಂತಿ ಸುವಳ್ಳಿ— ಆ ಪಟ್ಟಣ ಹಾ
ಳುಮಾಗಲು ಶ್ರೀ ಕೃಷ್ಣರಾಜೇಂದ್ರ ಒಡೆಯರ್ ಬಹದ್ದೂರರವ
ಲ್ಲಿ ಹೊಂದಿಕೊಂಡಿದ್ದ ಸುನಿತಿ ಸುಹಾಗಿದ್ದ ಕಾಲದಲ್ಲಿ ಆ
ಗಾಂತಿ ಕೆಳ್ಳಂತಹ ಕೆಲ ಈ ಸಂಗತಿಗಳಿಂತಾಗಿ ಸುವದಾಗಿ ಕೆ
ಳ್ಳಂ ಆಲಿಯ ಕು—

1 ಪಿತ್ರಾಜ್ಞಾನು ಸಂತ್ರಾಪ ಮಿಶ್ರಶುದ್ಧ ಮಾಳಿಗೆಯಾಗಿದ್ದನು
1 ಕಾಳಾಂಗಿಂತ ಪ್ರಾಪ ಭಾಷ್ಯ ತಿದಬಳ್ಳ ಮಾಳಿಗೆ ನಿಲಾಂ
1 ಕಾಂಡಿರ ಸಂತ್ರಾಪ ಶುದ್ಧ ಬಳ್ಳ ಮಾಳಿಗೆ ನಿಲಾಂ.
1 ಕುಶ್ಚಾಂಗಾಂ— ಶಿಲಾ ಶ್ರೀ ಕೃಷ್ಣರಾಯ ಪಟ್ಟಣ ಕೆಳ್ಳ—
1 ಪ್ರಮಿಳಾಂದಾಂ ಸಂತ್ರಾಪ ಹಾಲ್ಬಾಂಶದ ಮಾಳಿಗೆ ಕೆಳ್ಳ
ಕೆಳ್ಳ ಸಂತ್ರಾಪ ಮೇಲ್ ಕೃಷ್ಣ ಇದ್ದ ಕಾಲ ಕೆಳ್ಳ
6 ಈ ಕೆಲ ಗಳ್ ನಮ್ಮ— ಹಾಂಬಿಗಾಂತಿ ಕೆಳ್ಳ ಅಪ್ರಾಂಗಾಂ
ಶಿಲಾಗಳ್ ನಿನ್ನ ಬಗಳ್ ನಮ್ಮ— ಹಾಂಬಿಗಾ ಕೆಳ್ಳ—

ಆ ಪಟ್ಟಣ ಸುಮಾರು ಮುಂದಿನವರಾಗಾಂತಿ ಸುವ ಪ್ರಮಾಣಿಗಾಂ
ಶ ಶಿಲಾಶಿ ನಸಿಗೆ ಹೆಂದಾಂಗು ಹಾಕಿ ಸುವದನ್ನು— ಶಾಂಬಾ
ಶಿ ವಿಗ್ರಹಗಳಿಗೆ ಬಲಾತ್ಕಾರದಿಂದ ಪ್ರತಿಷ್ಠೆ ಮಾಡಿಸಿ ಭಾಂಬುಗಾಂ
ಲ್ ನಂಗೆ— ನನ್ನ ಸುವದಿಗೆ— ಬಿಡಿಸಿಕೊಳ್ಳ ಶಾಂಬಾ
ಶ ನನ್ನ— ಲಾಬ್ಧಾ ರಾಂತಿ ಬೇಕಿಗಾ ಸುಹಾಗಿದ್ದ
ಶ ನನ್ನ ನಂ [illegible]

LR 81-89-2 3.

(27)

C. No. 994

Mysore 17.3-90.

To.

The Deputy Commissioner
Mysore District

Camp Mysore, 17th March 189

Sir,

I am directed to forward herewith, petition dated 10th instant with its six enclosures from Tiparé gowda of Bhávikoppul in the Honakeré Hobli, Nagamangala Taluk, and to request that a careful local enquiry may be ordered through local Officials.

2 As far as the Dewan can make out the Petr's complaint, it seems to be ~~Complain of~~ against the wrongful dispossession by Chenna Boré gowda & Mari gowda (of Konanúr) of an Inam land (2 Pagodas) granted to him in 1822, and first resumed by the Inam Department, but subsequently confirmed

to

to him & his Co-sharers (vide Inam Supdt's dated 23rd July 1884 and this office endorsement dated 30th November 1884). But ~~I am to add that~~ the circumstances under which the alleged dispossession took place are not stated. These should be ascertained by local enquiry & a report submitted, together with extracts from the Inam Register & village maps, and with information as to the particular No. number or numbers which constitute the Inam, and the area confirmed to each of the Inamdars (Petr & his Co-sharers), the relationship between

them

them, and whether any outsider has any land within the original boundary as marked by stones and if so, under what circumstances the same was acquired by such outsider.

I have &c

17/3/90

Chief Secy

[Office-Note-
upon receipt of this report, the record, with the previous correspondence in the office should be submitted to the Council for disposal.]

8

1/P.92 Rev 1890

To

The Dy. Commr
Mysore

Dated 17-3-90

C. no. 994

Forwarding for
report petn. dated
10-3-90 from
Tipare Gowda
of Bavilloppal
Nagamangala Tq:

LR 8:-893

(General Serial No. 32.)
1890.

(28)

No. Camp 34

Name of Petitioners Patels Kempe Gowda, Chennanke Gowda & Hutca Gowda, Chenna, Anke Gowdan Chenna & Chikkan

Village. Konanoor

Taluk. Nagamangala

District. Mysore

Date of Arzi. 16-4-90

Date of Receipt. 20-4-90

Date of Disposal.

No. of Enclosures. (Seven).

2 Rs & 1 anna worth of stamps affixed.

1 Subd to the Deccan
2 Petrs are in possession of certain lands, & endeavours of the Respts to dispossess them by suits in Civil Courts & petitions in the Rev Dept have admittedly failed. It is not clear (& petrs do not cite them) what the orders are wh they allude to in para X as unsettling previous settlements. They allude to some order given on a representation 22/4/90 made & while on circuit.

ABSTRACT.

State that when H H the late Maharaja was administering the Country 12 Kolagas of land was given to Bore Gowda as inam for his service as sweeper and peon in the Musafarkhana at Bhaviborana koppalu, and stone boundary marks were fixed for the inam land.

II The original grantee of the inam performed his duties satisfactorily till his death.

III After the death of Bore Gowda, one Narainna Gowda father of the 1st Respondent encroached upon adjoining Sirkar land and thus swelled the Extent of the inam land to 4 kandies, 3 kolagas and 9 1/2 manas and was enjoying the lands for some time. This encroachment was complained against by the elders of Petrs to the Hassan Dy Comr; the land was ordered to be measured; the encroach

These Petrs have no grounds for complaint as yet - To the best of my recollection no new final orders have been passed, but an enquiry was ordered upon the Petn of Counter Petrs - Refer to the Regr of Petrs - These papers shd be filed with the Reports which I think has been called for

23/4/90

Vide Draft

ment having become manifest, the original Extent of the inam as specified in the Sarmad, viz, 12 kolagas, was confirmed and the remaining Extent was ordered to be given out to others for cundayam at the rates on adjoining lands. In accordance with this order, the Taluk Amildar allotted a portion of this Excess land to Petrs and some to the Respondents, leaving undisposed the remaining portion of the banjar land.

IV. A few years ago, two of the Appellants tendered darkhast for the remaining portion of the banjar land left undisposed and they got it for cultivation. A Saguvali chit also was given them.

V During the Inam Settlement which took place in 1880, Tippard the 1st Respondent claimed as inam more than what was recorded in the Sarmad; and after perusal of the Sarmad as well as of the records in the Taluk Cutchery, his claim was rejected.

VI In 1887 the Respondents filed a suit against some of the Appellants in the Munsiff's Court; after inspection and measurement of the land, the Respondents' statements were not found to be true and the suit was dismissed.

VII. They appealed against this to the Sub Judge's Court where the decree of the lower Court was confirmed.

VIII Before the institution of these Civil suits, the 1st Respondents complained in this matter to the Dewan; and after Examination of all the records in the case, it was held that the final order passed by the Hassan Dy Comts in 1863 was correct and that no more Extent than 12 kolagas could be recognized as inam.

IX. During the Survey measurement, the inam land of the Respondents measuring 12 kolagas was made a number and bandh marks were fixed for it and the cundayam lands of the Petrs were separately measured and separate numbers were given them; the appellants were also required to have bandh marks erected for them. These lands were assessed and puttas for them were granted to the Appellants. If these lands formed part of the Respondents' inam land, proofs thereof would have been produced at the Inam & Survey Settlements. In the absence of such proofs, the Respondents encroached upon Govt land and removed the originally fixed boundary marks so as to include within their inam portions of the Govt lands. The Officers who conducted the measuring operations have certified to the fact that the boundary marks were so removed.

X The order for summary [illegible] in this case passed by H H the Maharaja is against [illegible] decisions, the statute of limitation &c. Begs that jus[illegible] be passed after perusal of Enclosure

H 21/11.

Camp No. 279 d Ooty 5-5-90.

Lr 81-89-4 Rev

(29)

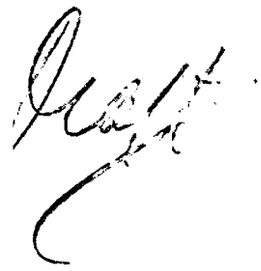
To
The Deputy Commr
Mysore District

Intt x Enclosures as per list annexed to it.

Petition (Register no 34 received on 20th April) from Kempe Gouda and 5 others of Honanoor village in the Nagamangalam Taluk is herewith forwarded to the Deputy Commr Mysore District for information - The petitioners have no ground for complaint as yet - No new final orders have been passed but an enquiry was only ordered upon the petition of the counterpetitioners - The Deputy Commissioners report called for in this office (Camp) no 994 dy 17 March last is awaited, & with it these papers should be carefully returned -

By order

5 May 1890



10

P 72

SR 81 → 89 -- 5

To Attach to report as 29/6/90

(General Serial No. 31.)

1890

OFFICE OF THE DEWAN OF MYSORE. 27 JUN. 90 2621 403

From

DEPUTY COMMISSIONER'S OFFICE MYSORE DISTRICT

To

The Chief Secretary to the ~~Dewan~~ Govt of Mysore.

Dated 24th } June
Despatched 25th }
Received

Enclosures No. nil

General No. 364
No.

* Letter No 994 dy 17 March 1890
do - 277 dy 5th May 1890

With reference to Government orders as per margin*, calling for a detailed report on the petitions of Tipare Gowda, Chenne Gowda and others of Chennenahalli in the Nagamangla Taluk, has the honor to state that the report called for from the Sub-Division officer has not been received up to date, though repeated reminders were sent to him. He has been asked

asked to submit a report with his expla-
-nation for delay within 10 days.

G. F. Mickleyson

Dy Commissioner
Mysore Dist.

No: 426.

Deputy Commissioner's Office
Mysore District.

(31)

From
The Deputy Commissioner
Mysore District

To
The Chief Secretary to the
Government of Mysore
Dated Mysore 5 July 1890.

Sir,

With reference to your letter No 994 dated 17th March 1890, and subsequent docket No 277, dated 5th May last, forwarding for report petitions from Tiparé Gowda of Bhavikoppal and Kempe Gowda and 5 others of Konanoor village in the Nagamangala Taluk, with their enclosures, I have the honor to submit herewith a copy of French Rocks Sub Division Officer's letter No 283, dated 29th ultimo, and its enclosures, together with two Canarese files of correspondence, as per Tarish attached, reporting that the petitioner Tiparé Gowda has no right for more than 12 Kolagas of land tobe enjoyed as Inam.-

Tiparé Gowda's petition and the enclosures received with your letter above referred to, are filed with the Canarese Correspondence, and the petition of Kempé Gowda and others received with your docket No 277, will follow as it has not been forwarded by the Sub Division Officer with the present report. They have

been

been urgently called for:-

I have the honor to be,
Sir,
Your Most Obedt Servant,

G. J. Mulhlefolen

Deputy Commissioner
Mysore District

WPM

31/8

No 283.
Enc: Two files including two petitions & its enclosures.

Sub Division Office
French Rocks.
Camp Attiruppa. Dated
29th June 1890.

To The Deputy Commissioner
Mysore District

Sir.

With reference to your docket No 805 dt: 23d March last, giving cover to the Chief Secretary's No 994 of the 17th Idem, forwarding for report, a petition from Tippere Gowda of Bhavibornakoppal Honakere Hobli, Nagamangala Talook, I have the honor to state that before I come to the points touched upon in the Chief Secretary's letter, it is necessary to give a brief history of the case which is as follows:-

2. In 1862 Chenna Boregowda and others of Konanoor lodged a complaint before the Deputy Supdt of the Hassan District, to the effect that Boregowda (Petitioner's Grand-father) had encroached upon the "Gomal" land adjoining his Inam, and enjoys it clandestinely. The enquiry which followed disclosed that the Inam originally granted was only 12 Kolagas of land, bearing an assessment of 2 pagodas, that the Inamdar actually enjoys 2 Kandagas, 14 Kolagas and 7 3/4 Padees; and that 11 Kolagas and 9 1/2 padees

more

ready reference.—

7. The Survey records shew that the present or Survey numbers of the land constituting the Inam are 43 and 53 with an area of Acres 8. 7. assessed at Rs 8/4/0; the old number being 182. The Inam is divided into three equal shares, the petitioner being by himself a third share holder. In the other two there are two and four minor shareholders respectively, and their names are given in the Quit Rent Register. All these are said to be paternal cousins. Extracts from the Quit Rent Register, Village Map, and Chilze Inamaty Register are enclosed for reference.—

8. It will be seen from the Extract from the village Map that there are 16 Survey fields, besides the two numbers constituting the Inam, within the boundary marked by the Stones. The total area of these fields (Exclusive of the Inam) is 54 Acres and 18 Guntas assessed at Rs 59-12-0. Excepting the "Kharab" the whole area is in the holding of the petitioner and other Raiyets as detailed in the Vernacular Statement accompanying the records. These lands were given to outsiders as per decision

Inam	8-7 acres	8-4 acres
[illegible]	29-28	31-12
[illegible]	18-34	2[illegible]
	48-22	59
[illegible]	5-17	
[illegible]	-14	
	54-	59-12

of

4. The petitioner seems to have kept on agitating the question up to 1886, by presenting petitions, and upon a report from this Office (vide letter No 16 dated 23d April 1886) the Dewan declined to re-open a case settled in 1863. (Vide enclosement No 1862 received with Dy Commissioner's Memo No 328 dated 21st June 1886). Copies enclosed for reference.

5. I now come to the queries contained in the Chief Secretary's No 994 alluded to above.

6. The old accounts and the records of enquiry of the year 1863-64 clearly show that the Inam originally granted was as above stated only 12 Kolagas of dry land.- Under what circumstances, this Inam had been resumed, it cannot be ascertained here. The "Chilray Inamly register" maintained in the Taluk simply shows that the Inam was resumed in April 1880, and restored in November 1883. The Inam Supdt's letter No 44 of the 20th Nov. 1883, to the address of the Secretary to the Dewan shows that the Inam was restored under the authority contained in the Dewan's Proceedings No 3539/154 dt. 19th September 1883. Copy enclosed for ready

acres 7.80

more of cultivable land is lying waste within the alleged boundary marks of the said Inam land. Upon this the Deputy Superintendent decided that the Inamdar should be allowed to enjoy only 12 Kolagas as Inam; that the Excess viz 2 Candies, 2 Kolagas and 7 3/4 padees should be assessed, and registered in the name of the Inamdar; and that the 11 Kolagas and 9 1/2 padees of land should in like manner be assessed and given out for cultivation to the first applicant. Accordingly an assessment of Rs 21-4-0 was imposed on the excess found in the Inamdar's enjoyment and brought on his Khatey. The remainder of 11 and odd Kolagas was given to the Complainants Chenna Borelgowda and Marigowda, and the Kandayem fixed thereon being Rs 5/12/10-

3. The Inamdar unsuccessfully appealed against this decision to the Division Superintendent, and finally the present petitioner carried the case before the late Chief Commr, who transferred it to the Commissioner Ashtagram Divn for disposal. After this event, along Correspondence seems to have taken place up to 1881, when the Deputy Commr Hassan District submitted the case for the orders of the Dewan in his letter No 297 dated 20th July 1881. A copy enclosed for reference.

The

of the Deputy Superintendent Hassan Dutich, of the year 1863.

9. I may here add, that old Fiscal's accounts (I invite particular attention to Takaddama Vasool Baki Chitta of the year Vikrooty filed with the record of enquiry of 1863) and other records clearly show that the Inam granted was only 12 Kolagas, which very nearly tallies with the present recorded area viz:- 8 Acres and 7 Guntas. The Inamdar now claims the whole area which is within the limits of the Stones as his Inam, and I need hardly say that his claim is preposterous. Upon clear proof that the petitioner's ancestors were clandestinely enjoying a large area of Government land as Inam, full assessment was imposed on such land and that portion which was under actual cultivation of the Inamdar was brought on his "Khatey". The remainder was given out for cultivation to fresh applicants. Under these circumstances, I must say that the allegation of the petitioner that he has been wrongfully dispossessed of his Inam land is inaccurate.--

10. The petitioner has no right for more than 12 Kolagas of land, Chenna Boregowda and Marigowda, have

acquired

acquired the lands lying within the limits of the alleged boundary stones, as already explained, in lawful manner. The Deputy Superintendent who decided the case in 1863 seems to have attached no weight to the fact that the disputed land is within the boundary stones. In fact he considers that the stones have been removed and refixed so as to include the disputed land. No other inference could be drawn on the face of the unprecedented excess discovered when the land was measured. For these reasons I consider that the petitioner's claim is unfounded.—

11. The following papers and records bearing upon the case are submitted.—

(1) Letter No 616 dated 25th April 1864 from the Deputy Superintendent, Hassan District, to the Supdt Ashtagram Division.

(1) Copy of the letter alluded to in para 3. (Letter No 297 dated 20th July 1881 from the Deputy Commissioner, Hassan District, to the address of the Chief Secretary).

(3) Copies of the papers alluded to in para 4 (Copy of this Office letter No 16 dated 23d April 1886 to the address of the Chief Secretary. Dewan's endorsement No 1862, and Deputy Commissioner's memo No 328 dated

21st

21st June 1886)

(1) Inam Superintendent's letter No. 44 alluded to in para 6.

(1) File of Vernacular Correspondence of the year 1863-64 with Ferist.—

(1) File of Vernacular Correspondence of Do. (Current) with Ferist.

(1) Extract from the village map.

(1) Extract from the Quit Rent Register

(1) Extract from the Chilre Inamaty Register

(1) Extract from the Chilre Inamaty Register restoring the Inam.

(1) Statement shewing the names of holders of the disputed land.—

I have &c.

"Signed" D. Namacul Row
Sub Division Officer
French Rocks.

"Copy"

Kirchmeyer
for Deputy Commissioner
Mysore District

No: 616.

Deputy Superintendent's Office
Hassan District

Dated Hassan 25th April 1864.

From

Captain H. G. Thomson
Offg: Deputy Superintendent

To

The Superintendent, Astagram
Division.

No: 703 of 18th April 1864 requesting report to be made on the matter of Hona Cowda's petition regarding the imposition of Kandayem on a portion of his Inam lands (12 in number) Cl. 363

Sir,

Referring to your letter as per margin, I have the honor to submit herewith a Copy of the report on the case drawn up by Mr. Blake as entered in Tabular Statement A. dated the 15th instant.

The enclosures of your letter are herewith retranomitted as desired.

I have the honor to be
Sir
Your most obedient Servant
"Signed". A. G. Thomson
Offg: Deputy Supdt.
Hassan District

Extract from Tabular Statement A of Period References disposed of up to 15th April 1864.

"The petitioners have mis=
=represented the facts in implying rather than stating that the grant of inamaty land made by his Highness the Maharaja was in the form of an assignment of revenue and not, as was actually the case of rental of land, viz: 20 fanaus. This is an essential feature in the case as the extent of land originally granted would appear from an old Feysalty account in the Taluk to be only 12 Cologas, while it has been found on measurement a fact not disputed by the petitioners to amount to 4 Candies and odd making every allowance for differences between former and present, or between local and Kristnaraj rates in computing the Beezwary measure=
=meant, this increased to the land is so great as to allow of no other conclusion than that it has been obtained by encroachments. Certain boundary stones are pointed to by the petitioners and their land though enlarged to the extent above shewn lies within these nominal limits, but as stated by the Amildar & Coroborated by the native Assistant,

1881

From, The Dy Commissioner
Hassan District

To, The Secretary to the Dewan
to H. Highness the Maharaja of Mysore,

Dated the 28th July 1881
Sn No - 4
No 297

Sir,

I have the honor to acknowledge the receipt of your Official Memorandum No 1824/59 dated the 6th Ultimo forwarding for report a petition from Tippeegauda of Seenapanabhavi Koppal in the Manhally Hobli of the Nagamangala Tq. In reply I beg to report that from the Canarese records for the Coming in this Office on the subject, it would appear that so far back as in 1863 a complaint having been preferred that the petitioner's ancestor Boregowda had encroached an Government waste adjoining his Inam land the recorded Extent of which is 12 Kolagas with

a verry of 20 Hanams, the latter was measured and an excess amounting to 2 Candies, 4 Kolagas and 1/2 Padees was found of which 2 Candies, 2 Kolagas and 7 3/4 padies of land was assessed at Rs. 21-4. and confirmed to the said Baragowdas heirs while the Inamdar which had been left uncultivated was given out an assessment to one Marigowda and Chenna Baregowda who had complained of the encroachment alluded to. The above measure was carried out by order of Captain Clarke the then Dy. Superintendent of this District, and against this order Honnegowda and Nara-yanee sons of the above mentioned Baregowda appealed to the Superintendent of the Ashtagram Division to whom a report was submitted by the Dy. Superintendent in letter No. 616 dated the 25th April 1864 (Copy enclosed for reference). A canarese endorsement No. 212 dated the 3rd May 1864 seems to have also been issued to the appellants by the Superintendent informing them of the correctness of the order of the Dy. Superintendent.

Subsequently, the petitioner appears to have often agitated the matter questioning the ~~matter~~ correctness

of the order already passed and to have appealed to the late Chief Commissioner who having had the records before him, referred the matter to the Ashtagram Commissioner for disposal (Vide docket No. 2411 of the 18th July 1874 to the Commissioner Ashtagram Division) In a canarese docket No. 553 dated the 4th April 1876 the Ashtagram Commissioner asked the Dy. Commissioner of Hassan for a report in English on the subject and the latter Officer requested the former to send the canarese records in the case which were recently received with the Ashtagram District Judge's canarese docket No. 12 of the 21st June 1881 on and the requisition from this Office made on receipt of your memorandum under reply the enclosures of which are herewith returned.

in his No. 15 of 26-4-1876.

Sd/ P. N. Krishna Murthi
Dy Commissioner
19-7-1881

Copy

D Nanaculbhr
Sub Division Officer
French Rocks

No: 1682.

Endorsement

In reply to his petition, dated 29th August 1885, Tipperi-Gowda of Bhavi Boran Koppalu in the Nagamangala Taluk is informed that the Dewan declines to reopen the question settled in 1863. The petitioner is confirmed in his possession of the Inam of 12 Coodoos to which he is entitled.

By order

Mysore Dewan's office
petition Deptt

"Signed" R. Vijayendra-Row
Secretary.

Camp: No: 328.

Copy is forwarded to the Deputy Commissioner of the Mysore District for information in reply to the French Rocks Sub division No: 16 dated 23rd April 1886. Vernacular papers are returned.

By order.

Mysore 21st June 1886
"So" R. Vijayendra Row
Chief Secretary.

Forwarded to the French Rocks Sub division officer for information.
24/6/1886. Signed/ Abdul Khader
Dy Commissioner

"Copy"

D Mamacul Rao
Sub Dn Officer
French Rocks

11-12-89	16-4-90

Camp No: 34
20-4-90.
Enclosures (7).
12-5-90
No. 210
12-5-90

ಸನ್ಮಾನ್ಯ ಶ್ರೀಯುತ ಮುಖ್ಯಮಂತ್ರಿಗಳು ಕರ್ನಾಟಕ ಸರ್ಕಾರ ಬೆಂಗಳೂರು ಇವರಿಗೆ ಮೂಲಕ ಸಲ್ಲಿಸುವ ವಿನಂತಿ

ಸನ್ಮಾನ್ಯರೆ ಈ ಕೆಳಕಂಡ ವಿಷಯಗಳನ್ನು ಗಮನಿಸಿ ಕ್ರಮ ಕೈಗೊಳ್ಳಬೇಕಾಗಿ ವಿನಂತಿ

1 ನೆ ಚ-ನ್ನಮಲಿಂಗಪ್ಪ ತಂದೆ ಮಲ್ಲಿಕಾರ್ಜುನಪ್ಪ
2 ನೆ ಮಲ್ಲಿಕಾರ್ಜುನಪ್ಪ ತಂದೆ ಚ-ನ್ನಮಲಿಂಗಪ್ಪ
3 ನೆ ಗುರುಲಿಂಗಪ್ಪ
4 ನೆ ಬಸವರಾಜಪ್ಪ ತಂದೆ ಚ-ನ್ನಪ್ಪ
5 ನೆ ಅಮೃತಪ್ಪ ತಂದೆ ಚ-ನ್ನಪ್ಪ
6 ನೆ ಹೊಂಡರಚ-ನ್ನನ ಮಕ್ಕಳು ಶಂಕರಪ್ಪ

ಇವರೆಲ್ಲರೂ ಕೆಳಕಂಡ ಅಂಶಗಳನ್ನು ಪರಿಶೀಲಿಸಬೇಕಾಗಿ ವಿನಂತಿ

1 ನೆ ನಾಲ್ಕು ಎಕರೆ ಜಮೀನನ್ನು ಕಳೆದುಕೊಂಡ
2 ನೆ ಕೈಕಾಲು
3 ನೆ ಆಸ್ತಿ

ಮೇಲ್ಕಂಡ ವಿಷಯಗಳನ್ನು ಗಮನಿಸಿ ಕ್ರಮ ಕೈಗೊಳ್ಳಬೇಕಾಗಿ ವಿನಂತಿ ಮಾಡಿಕೊಳ್ಳುವ ಆಳ್ವಿಕೆ ಶ್ರೀ. ಅಂಬಿ ಮಲಿಂಗಪ್ಪ ತಂದೆ ಮಲ್ಲಿಕಾರ್ಜುನಪ್ಪ ಮತ್ತು ಇವರ ಮಕ್ಕಳು ಮತ್ತು ಸಂಬಂಧಿಕರು ಮತ್ತು ಸ್ನೇಹಿತರು

ಕಾಲ ಗ್ರಾಮ ಪಂಚಾಯತಿ ಸದಸ್ಯರ ಚುನಾವಣೆ, ಸಹಕಾರಿ ಸಂಘಗಳ ಚುನಾವಣೆಗಳು ನಡೆದಿವೆ. ಪಂಚಾಯತಿಯ ಚುನಾವಣೆಯಲ್ಲಿ ಸ್ಪರ್ಧಿಸಿದ ಅಭ್ಯರ್ಥಿಗಳು ಸಹಕಾರಿ ಸಂಘಗಳ ಚುನಾವಣೆಯಲ್ಲಿ ಸ್ಪರ್ಧಿಸಿದ್ದರು. ಇದು ಸಹಕಾರಿ ಸಂಘಗಳ ನಿಯಮಗಳಿಗೆ ವಿರುದ್ಧವಾಗಿದೆ. 186 ಮೀಸಲಾತಿ ಕ್ಷೇತ್ರಗಳು ಒಳಗೊಂಡಂತೆ ಸಂಘದ ಆಡಳಿತ ಮಂಡಳಿಗೆ ಚುನಾವಣೆ ನಡೆಸಲಾಗಿದೆ. ಅದರಲ್ಲಿ 12 ಸ್ಥಾನಗಳಿಗೆ ಸ್ಪರ್ಧಿಸಿದ ಸದಸ್ಯರು ಪಂಚಾಯತಿ ಚುನಾವಣೆಯಲ್ಲಿ ಸ್ಪರ್ಧಿಸಿದ್ದರು ಎಂಬ ಕಾರಣಕ್ಕೆ ಅವರ ಆಯ್ಕೆಯನ್ನು ರದ್ದುಪಡಿಸಲಾಗಿದೆ.

IX ಸಹಕಾರಿ ಸಂಘಗಳ ನಿಯಮಗಳಂತೆ ಒಂದು ಸಂಘದ ಆಡಳಿತ ಮಂಡಳಿಗೆ 12 ಸ್ಥಾನಗಳಿಗೆ ಸ್ಪರ್ಧಿಸಿದ ಸದಸ್ಯರು ಪಂಚಾಯತಿ ಚುನಾವಣೆಯಲ್ಲಿ ಸ್ಪರ್ಧಿಸಿದ್ದರು. ಅವರಿಗೆ ಸಹಕಾರಿ ಸಂಘಗಳ ಕಾಯ್ದೆ ಅನ್ವಯವಾಗುತ್ತದೆ. ಅವರು ಸಹಕಾರಿ ಸಂಘಗಳ ಚುನಾವಣೆಯಲ್ಲಿ ಸ್ಪರ್ಧಿಸಿದ್ದರೆ ಅವರ ಆಯ್ಕೆಯನ್ನು ರದ್ದುಪಡಿಸಲಾಗುತ್ತದೆ. ಅದೇ ರೀತಿ ಸಹಕಾರಿ ಸಂಘಗಳ ಚುನಾವಣೆಯಲ್ಲಿ ಸ್ಪರ್ಧಿಸಿದ ಅಭ್ಯರ್ಥಿಗಳು ಪಂಚಾಯತಿ ಚುನಾವಣೆಯಲ್ಲಿ ಸ್ಪರ್ಧಿಸಿದ್ದರೆ ಅವರ ಆಯ್ಕೆಯನ್ನು ರದ್ದುಪಡಿಸಲಾಗುತ್ತದೆ. ಸಹಕಾರಿ ಸಂಘಗಳ ಚುನಾವಣೆ ಮತ್ತು ಪಂಚಾಯತಿ ಚುನಾವಣೆ ಎರಡೂ ಒಂದೇ ಸಮಯದಲ್ಲಿ ನಡೆದಿದ್ದರೆ ಅಂಥವರ ಆಯ್ಕೆ ರದ್ದಾಗುತ್ತದೆ. ಅಂಥವರು ಸಹಕಾರಿ ಸಂಘಗಳ ಚುನಾವಣೆಯಲ್ಲಿ ಸ್ಪರ್ಧಿಸಿ ಗೆದ್ದಿದ್ದರೆ ಅವರ ಆಯ್ಕೆ ರದ್ದಾಗುತ್ತದೆ. ಅಂಥವರು ಪಂಚಾಯತಿ ಚುನಾವಣೆಯಲ್ಲಿ ಸ್ಪರ್ಧಿಸಿ ಗೆದ್ದಿದ್ದರೆ ಅವರ ಆಯ್ಕೆ ರದ್ದಾಗುತ್ತದೆ. ಅಂಥವರು ಸಹಕಾರಿ ಸಂಘಗಳ ಚುನಾವಣೆಯಲ್ಲಿ ಸ್ಪರ್ಧಿಸಿ ಗೆದ್ದಿದ್ದರೆ ಅವರ ಆಯ್ಕೆ ರದ್ದಾಗುತ್ತದೆ. ಅಂಥವರು ಪಂಚಾಯತಿ ಚುನಾವಣೆಯಲ್ಲಿ ಸ್ಪರ್ಧಿಸಿ ಗೆದ್ದಿದ್ದರೆ ಅವರ ಆಯ್ಕೆ ರದ್ದಾಗುತ್ತದೆ.

[illegible]

V [illegible]

VI [illegible]

VII [illegible]

VIII [illegible]

ಸಂಗತಿಯನ್ನು ಸೂಚಿಸಿ, ನಿಯಮಾವಳಿಯ ಅಂಶಗಳನ್ನು ಸೇರಿಸಿ 12 ಕೈಗಾರಿಕೆ ಮತ್ತು ವಾಣಿಜ್ಯ ಇಲಾಖೆಯವರು ಕಳಿಸಿ ಕೊಟ್ಟಿದ್ದಾರೆ.

II ಈ ಇಲಾಖೆಯವರು, ನಿಯಮಾವಳಿಯ ಅಂಶಗಳನ್ನು ಕಡತದಲ್ಲಿ ಸೇರಿಸಿ ಅಂತಿಮ ಕರಡನ್ನು ಇಲಾಖೆಯವರು ಅಭಿಪ್ರಾಯಕ್ಕೆ ಕಳುಹಿಸಿ ಕೊಟ್ಟಿದ್ದರು. ಸಂಬಂಧಿಸಿದ ಇಲಾಖೆಯವರು, ಸಲಹೆಗಳನ್ನು ಕೊಟ್ಟಿದ್ದರು. ಅವುಗಳನ್ನು ಸೇರಿಸಿ ಸರ್ಕಾರಿ ಆದೇಶವನ್ನು ಹೊರಡಿಸಲಾಗಿದೆ.

III ಇದೇ ಸಂದರ್ಭದಲ್ಲಿ, ನಿಯಮಾವಳಿಯ ಶೀರ್ಷಿಕೆಯನ್ನು ಬದಲಾಯಿಸಿ ಹೊಸದಾಗಿ ಕೈಗಾರಿಕಾ ಇಲಾಖೆಯವರು ಕಳುಹಿಸಿ ಕೊಟ್ಟಿದ್ದರು. ಸಂಜೆ 4 ರಿಂದ 3 ಗಂಟೆಗೆ 9½ ಗಂಟೆವರೆಗೆ ಸಭೆಯನ್ನು ಮುಂದೂಡಲಾಗಿತ್ತು. ಸಭೆಯಲ್ಲಿ ಚರ್ಚೆ ಮಾಡಿ ಅಭಿಪ್ರಾಯ ಕೊಡಲಾಗಿದೆ. ಅದರಂತೆ ಕೈಗಾರಿಕೆ ಮತ್ತು ವಾಣಿಜ್ಯ ಇಲಾಖೆಯವರು ಕಳುಹಿಸಿ ಕೊಟ್ಟ ಶೀರ್ಷಿಕೆಯನ್ನು ಸೇರಿಸಿ 12 ಕೈಗಾರಿಕೆ ಮತ್ತು ವಾಣಿಜ್ಯ ಇಲಾಖೆಯವರು ಕಳುಹಿಸಿ ಕೊಟ್ಟ ಕರಡನ್ನು ಸಭೆಯಲ್ಲಿ ಚರ್ಚೆ ಮಾಡಿ ಅಭಿಪ್ರಾಯ ಕೊಡಲಾಗಿದೆ. ಕೈಗಾರಿಕೆ ಮತ್ತು ವಾಣಿಜ್ಯ ಇಲಾಖೆಯವರು ಕಳುಹಿಸಿ ಕೊಟ್ಟ ಶೀರ್ಷಿಕೆಯನ್ನು ಸೇರಿಸಿ ಆದೇಶ ಹೊರಡಿಸಲಾಗಿದೆ. ಕೈಗಾರಿಕೆ ಮತ್ತು ವಾಣಿಜ್ಯ ಇಲಾಖೆಯವರು ಕಳುಹಿಸಿ ಕೊಟ್ಟ ಶೀರ್ಷಿಕೆಯನ್ನು ಸೇರಿಸಿ ಆದೇಶ ಹೊರಡಿಸಲಾಗಿದೆ.

IV ಉಳಿದ ಕೈಗಾರಿಕಾ ಸಂಸ್ಥೆಗಳಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಅಭಿಪ್ರಾಯ ಕೊಡಲಾಗಿದೆ. ಅದರಂತೆ ಕೈಗಾರಿಕೆ ಮತ್ತು ವಾಣಿಜ್ಯ ಇಲಾಖೆಯವರು ಕಳುಹಿಸಿ ಕೊಟ್ಟ ಕರಡನ್ನು ಸಭೆಯಲ್ಲಿ

[illegible]

X [illegible]

XI [illegible]

[illegible] 12 [illegible]

[illegible] 4 [illegible]

[illegible]

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[illegible]

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16-4-90

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[illegible] ೧೨-೧೨ [illegible] ೨೨

[illegible]

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2-15-1

1/12 86

38.

11-8-89

In the Court of the Sub Judge at Mysore

Present - C. Srinivasiengar Esquire Judge

Appellant (1st plff)	Respondents (defts)
Lipparai Gowda vs.	1. Hoocha Gowda 2. Singri 3. Chelwa 2 & 3 are minors by their mother & guardian Chenni -

Appeal suit no: 114 of 88 against the decree of the munsiff of Srirungapatam in C. suit no: 783 of 1887

Judgment

This suit was brought for a declaration that the land described in the plaint schedule belongs to the plffs, that the defts have no right to take possession of it & that the Pattas which they have fraudulently obtained is liable to be cancelled -

2. The plaint was as follows: -

The plffs own 4 candies & 12 colagas of land in Konnur of the Nagamungal Laby which was given to their ancestors partly as Inam & partly as condayam land - That portion of the land in the bed of the tank which has been described in the plaint schedule, belongs to the plffs,

under section 42 of Specific Relief act & it is bad for misjoinder of parties. It is also barred by time. The allegation that the plffs are in possession & enjoyment of the lands in the tank bed on inam & cowdayam tenures for the last 60 years, & that they own 4 candies & 12 Kolagas of land is false. The land mentioned in the plaint schedule as the eastern boundary of the suit lands do not belong to plffs.

The allegation in paras 2 & 3 of the plaint, that defts attempted to take wrongful possession of the land, is false. The defts obtained the land in dispute on durkhast from the Sirkar in the year Sharanna & they are now cultivating it & enjoying its produce.

4. The issues settled were:—

I. Is the suit tenable under section 42 of the Specific Relief Act?

II. Who is in possession & enjoyment of the plaint land & from when?

III. To whom does it belong?

IV. When and how did the defts get it?

V. Are the Plffs entitled to the relief sought for?

5. The lower Court dismissed the

plff's suit.

6. The 1st ~~deft~~ plffs appeals on the following grounds:—

I. That the plffs have clearly proved their ownership & possession of the land & the lower court has erred in holding that the land does not belong to the plffs & they have not been in possession & enjoyment of it—

II. That the lower court has given too much weight to the Government accounts

III That, under the Revenue rules, where an Inamdar holds lands & enjoy them in excess of what is granted to him, the Government does not resume the lands but only levies condayam on the excess.

IV. That the munsiff has not properly appreciated the evidence

V. That the decision of the munsiff is opposed to the probabilities—

7. The Respondents filed the following memo of objections (cross AS no 126 of 48)

I. The appeal memo is insufficiently stamped.

II. The lower court is wrong in not awarding defts their costs.

III. The

Copy of Judgt in A.S. No. 114 of 88 contd.

asks for a declaration that the defts have no right to take possession, that the patta is liable to be cancelled and that the ownership rests with the pltffs. No injunction has been asked for. Nor has the court been asked to cancel the patta. Then again, even an injunction suit would not be lie if the pltffs were not in possession. The mere fact that injunction is a relief associated with the declaration sought, would not make the suit admissible. As regards the patta, the civil court has no power to cancel it. Nor are the revenue authorities parties to this suit. The appellants' advocate admits that the cancellation of the patta is beyond the competence of the civil court. It is

is thus obvious that the suit is nothing more nor less than a declaratory suit. Under Section 42 of the Specific Relief Act, "no court shall make any such declaration where the plff, being able to seek further relief than a mere declaration of title, omits to do so". The point therefore for consideration is whether the plffs are able to seek further relief but have omitted to do so. This in its turn depends upon the question whether the plffs were in possession of the land on the date of suit, or were out of possession. If they were not in possession, they were able to sue, not only for the establishment of title, but also for, the recovery of possession. But they assert that

they

they were in possession, & that the crop now on the land, was raised by the defts subsequent to the institution of the suit. This point has not been particularly considered by the lower court which has generally held that the pltffs were never in possession of the land as alleged. The question whether the suit as laid is maintainable, has however been distinctly put in issue, and evidence regarding present possession has been adduced by both parties. Turning to that evidence, I find that it satisfactorily shows that the pltffs were not in possession on the date of the filing of the suit but that the defts have been in possession for the last 2 or 3 years. The pltff's 2nd witness states that the 2nd & 3rd defts

Copy of Judgt in A.S No 114 of 88 contd

defts through their father's maternal uncle Anka raised paddy crop on the land a month and a half before the date of his giving evidence. This if true would mean that the defts entered upon the land some time subsequent to the institution of the suit. But there is the further statement that the seedlings when thus transplanted were two months old. The pltffs 3rd witness is not definite in his statement as to when the defts raised the said crop on the land. The pltffs 4th witness states that the crop was raised by the father of the 2nd + 3rd defts. The statement that this was done a month + a half before the date of the final hearing of the suit, cannot be correct, inasmuch

Copy of judgt in A.S. No. 114 of 88 contd.

inasmuch as the person who raised the crop admittedly died 2 months before the date of the filing of the suit. (See para 4 of the plaint). This is very important and conclusively proves that the pltffs were not in possession when they filed the suit. The deffts' 1st witness states that the deffts obtained the land in 1884-85, that they have since been paying the Kandayam thereof, that they got boundary stones fixed, & that they grew paddy in the years 1885-86 and 1887-88. The 2d witness asserts that the deffts have been in possession since the date of the grant made to them by govt. According to the 3d witness, the deffts got the stones fixed, and have been growing paddy for the last two

Copy of Judgt in A.S. No. 114 of 88 Contd

11. The appeal is dismissed and the lower court's decision dismissing the suit is confirmed upon the single ground that as brought it is not maintainable. The plffs will pay the deft's costs throughout.

Sd/- C. Sreenivasiengar
Sub Judge
26-7-88

"True copy" By order of the Court

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Copy of judgment in C. S. No 783/87

The suit is not maintainable under section 42 of the Specific Relief act and it is bad for mis-joinder of parties.

It is also barred by time. The allegations that the Plaintiffs are in possession and enjoyment of the lands in the Tank bed on Inam and Kandayem tenures for the last 60 years; and that they own 4 Kandies and 12 Kolagas of land are all false. The Eastern boundary mentioned in the plaint does not belong to plffs.

The allegations contained in paras 2 and 3 of the plaint that defts attempted to take wrongful possession of the land is false. That the defts obtained the land in dispute on darakhast from the Sircar in the year Tharana and they are now cultivating it and enjoying its produce.

3. The suit came on for settlement of issues on the 12th August 1887. The plaintiffs were represented by Mr. Komaraya and the defts by Mr. Mylariah. The following issues were settled:—

I. Is the suit tenable under Section 42 of the Specific Relief Act?

II. Who is in possession and enjoyment of the plaint land and from whe

Copy of judgment in C. S. No 783 of 87

They are grazing their cattle in it. It is in their possession and enjoyment from the time of their ancestors i.e. for the last 60 years.

With the intention of defrauding the plaintiffs, 1st defendant and the father of the 2nd and 3d defts. at the instigation of Muli hutti Shamanna the Shanbhogue of the Village, preferred a Darakhast to the Nagamangla Taluq stating that the land in dispute was a Circar banzar. They then entered upon it and wrongfully took possession of the land saying that the Putta of it was in their name.

Their doing so has injured the Plaintiffs' right and their Statement that the land is Sircar banzar is false. The father of the 2nd and 3d defendants died 2 months ago. Consequently the 2nd and 3d defendants ~~died 2 months ago~~, his sons and heirs are made parties to this suit.

The cause of action arose 3 months ago at Konamur Nagamangla Taluq i.e. from the time the defendants attempted to oust the plffs: from the land. For these reasons plffs: pray for judgment with all costs.

2. The defendants filed the following written Statement:

4

3 Copy of judgment in C. S. No 783/87

III To whom does it belong?

IV When and how did the defts. get it?

V Are the plaintiffs entitled to the relief sought for?

4. The suit came on for final hearing on the 18th October, 1st, 2d, 3d and 25th November, 14th, 15th, 16th and 17th Decr/87 The parties appeared as before. The plaintiffs examined 4 witnesses and the defendants 5. The following Lhts. were filed:—

By plaintiffs

A. Copy of the order dated 10th Margi=swara Bahula of the year Parthiva issued to the Amildar of Nagamangla from the Hoozoor Dewan Cutchery.

B. Endorsement dated 15-2-1862 granted to Narayani.

C. Endorsement dated 3-3-1864 granted to Narayani and another by the Superintendant of Asthagram Division.

D. Endorsement dated 31-5-1872 granted to Singri Gowda and another from the Nagamangla Talug Cutchery.

E. Do dated 16-12-69 granted to Tipari Gowda from the Nagamangla Talug.

F. Petition dated 21.7.84 written by 1st Plaintiff to the Survey Superintendant.

5

Copy of judgment in C. S. No 783/87

G. Petition dated 28-5-72 addressed to the Deputy Superintendant Hassan by Tipare Gowda ~~to the Nagamangla Taluq~~ and others.

H. Petition dated 3-9-1869 addressed by Tipare Gowda to the Nagamangala Taluq. (Copy)

I. Copy of Darakhast given by Tippaya to the Nagamangala Taluq.

J. Nirup dated 4th Palguna Shudah of the year Promodoota issued by His Highness the late Maharajah to the amildar of Nagamangla.

K. Do dated 4th Pushaya Shudha of the year Chitra Bhanu issued by Do — to — do.

L. Copy of the Statement showing the Darakhasts made in the Konanur Village.

By defendant

No I Hukum dated 16-4-63 issued by the 1st class Native assistant Supt. to Bore Gowda and others.

II Paimashi putti of the Inam lands in the Village of Konanur.

III Sagoovali Chit issued to Hanche Gowda &ca by the Nagamangla Taluq.

IV. Kandayem receipt-book.

V. Pahani Statement of the Village of Konanur for the year 1884-85 (Copy)

meagre and unsatisfactory. There is not a single document in support of it. In the Government accounts and other Revenue papers the Katte has been treated as the property of Govt. The evidence as to possession and enjoyment of the land in question as well as other lands adjoining it is not very definite and pointed. The land was classed by the Government as Bunjar in the year 1862 and remained so till portions of it were given out on Darakhast. The plaintiffs and other villagers were grazing their cattle on it as who does not. But this circumstance can confer no right whatever on them and I am not prepared to hold that the plaintiffs were exclusively in possession of it. For these reasons I hold on the 2nd issue that the plaintiffs were not in possession of the land as owners.

The.

8/

Copy of Judgment in C.S. No 783 of 87 on the file of the Seringapatam Munsiff's Court

7. The land obviously belongs to Government. In 1811 a land of 5 fanams was bestowed as Inam on the plaintiff's ancestors. It was increased to 2 pagodas in 1822. The area and Beezavary of both these lands were not given in the Sannads. The pltff's ancestors mention enjoying as much land as they could. Enemies however were not wanting. The ryots of Konanur village complained that they were in possession of more land than was given them and they were trying to encroach upon and usurp the lands of others. On this an order was issued to the amildar to hold an enquiry and submit a detailed report. This report is not forthcoming. Indeed it is not clear whether any enquiry was held and report made. The ryots however did not desist. They repeated their complaint in 1862 when the whole of the lands in the possession of pltff's ancestors was measured and Patti was written showing their area and Beezavari. It was then for the 1st time that the extent of the Inam land was fixed at 12 kolagas. It does not appear on what authority or principle this was done.

Strictly

16

Copy of Judgment in C. S. No 783 of 1870 on the file of the Seringapatam Munsiff's Court

of land are classed as Valagere Banjar attached to the katte. The land in dispute as well as land No 186/1 aforesaid form part of this. The plaintiffs contend that this Banjar land belongs to them. There is no evidence whatever in support of their contention. The accounts and Revenue papers go to prove that it belongs to Government. Before 1862, the plaintiffs and their ancestors may have enjoyed it but since then there cannot be any doubt that it was classed as Banjar and claimed by the Government. The plaintiffs' ancestors remained quiet without opposing the action of the Government or asserting their claims to the land. For these reasons I hold on the 3rd issue that the land does not belong to the plaintiffs.

8. The defts applied for this land in the year Sharana and got it. Government issued them a Patta and put them in possession of it. This disposes of the 4th issue

9. There is however one circumstance with reference to the giving of this land which requires notice

Admittedly.

Continued the grant of this land. It appears to me to be detrimental to their interests. The Katta also seems to suffer rather than profit by it. The dimensions of its bed will diminish + thereby its capacity will decrease and gradually the quantity of water will become less. Thus one of the chief objects for which it was constructed will be defeated. Several previous applications for this land and the lands adjoining it were refused. It does not appear what fresh reasons were adduced by the village authorities to induce the Govt. to accept Darakstos for them now. The plffs and their ancestors and the Shanbogues and their ancestors have all along been on bad terms and the latter appear to me to have set up certain ~~rights~~ ryots under their influence to apply for these insignificantly small plots of land which can under no circumstances sufficiently recompense them for their labor and trouble. The Bazevari of the land is 1 Kolaga.

12th page

Under these circumstances and for these reasons I think it would

62 Copy of judgment in C. S. No. 783 of 87

Continued

be advisable on the part of the Revenue Authorities to cancel the Pattas already granted + refuse to receive any tenders for the same in future.

10. It has been held that the land does not belong to the plff's and that they are not in possession and enjoyment of it. Consequently the suit fails and must be dismissed. It is accordingly ordered that it be dismissed but under the circumstances aforesaid without costs.

30. 1. 88.
Seringapatam

"Sd"
M. Ramaswamy Iyer
Moonsiff

Pronounced and explained in Court

30. 1. 88

"Sd"
M. Ramaswamy Iyer
Moonsiff

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ಕೀರ್ತಿಶೇಷರ ಕೃತಿಯಾದುದು ಸೈಷ್ಟ ಸಂಗ್ರಹ ಸಂಪುಟ ಕೃತಿ ಸಮಾಪ್ತಿ

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ಇಂದ್ರ ಶಾಲೆ ——
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ದ್ವಿ ಸಿದ್ಧಾಂತ ದ ಮೇಲೆ ಇತಿಹಾಸ ಗಳಿಗೆ ಅಳವಡಿಸಿ ಕೊಳ್ಳುವುದೇ ಇತಿಹಾಸ ಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಮಾರ್ಕ್ಸ್ ನ ಮಹತ್ವದ ಕೊಡುಗೆ ಯಾಗಿದೆ. ಇದರ ಪ್ರಕಾರ ಸಮಾಜ ದಲ್ಲಿ ಆರ್ಥಿಕ ಸಂಬಂಧಗಳು ಮೂಲಭೂತವಾದವು ಮತ್ತು ಇವುಗಳು ಸಮಾಜದ ಇತರ ಅಂಗಗಳನ್ನು ನಿಯಂತ್ರಿಸುತ್ತವೆ. ಇದರ ಪ್ರಕಾರ ಸಮಾಜದಲ್ಲಿ ಸಂಘರ್ಷ ಉಂಟಾಗಲು ಕಾರಣವೆಂದರೆ ಉತ್ಪಾದನಾ ಸಾಧನಗಳ ಮೇಲೆ ಹಕ್ಕು ಸಾಧಿಸಲು ಪ್ರಯತ್ನಿಸುವ ಜನರ ಗುಂಪುಗಳ ನಡುವೆ ಉಂಟಾಗುವ ಸಂಘರ್ಷ ಗಳು.

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ಸಂಕ್ಷಿಪ್ತವಾಗಿ ವಿವರಿಸಿ.

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Rm No. 2874.
dated 10 March 1890

Mr

Tippere Gowda
of Bhavikoppal
Nagamangala Taluq
Mysore Dt

Read letter from the Dy
Comr of Mysore dated
5 July 1890 No 426.—
Dt 19 July 1890 No 477

Mr complains that he
was unjustly deprived
of his Suam.—
the facts of the case are briefly as
follows.—
Mr ~~holds~~ held an Suam,
the area of which according
to old accounts was 42
Kolagas Dry or 7.80 acres.
In 1862 on a complaint
that Mr encroached upon
Govt waste, the land

was measured & the excess discovered was disposed of as follows.—

96

	area according to measurement	
	ans	asst
Land confd as Inam —	8.7	8-4
Land fully assed & given to Inst on Patta	29.28	31-12
Do given to others on full asst —	18.34	27-4
Land treated as Kharab & not included in Inam	5.17	—
Land included in another vaigh owing to a boundary dispute	.19	.12
Total.		
Inam —	8.7	8-4
other land —	54.18	59-12
	62.25	68-4

Pro contention is that the whole land is within the boundary stones fixed in 1822. There is nothing to show that the stones were not altered, & ~~this is a very old case but the case was ordered to be enquired into by the Dewan.~~

The matter having been disposed of so long ago as 1862, the Govt ~~dec~~ ~~must~~ decline to re-open the Case.—

UC
8/9/90

Endt

The question of excess in Petitioner's Inam having been disposed of ~~so~~ so long ago as 1862. the Govt decline to re-open the Case

UC
8/9/90

97

10.9.90

Hearing 4th Sept
1890

Give notice to Dr
only.

[illegible]
3/17/90

2/8

100. 1/P92. RD

(General Serial No. 30).

1890.

From

To The D.C. Mysore Dt.

Dated 13

Despatched 20 September 1890.

Received

Enclosures No.

General No. 7167

No. 424

Ford.g copy of decision in Appeal No. 2874 of 10th March 1890, with the vernacular papers recd with Ins No. 426 of 5th July 1890

(01)

Before the Government of His [redacted]

Ap[illegible] No. 2874

Appellant. Vs.

Tippere Gowda of
Bhavikoppal,
Nagamangala Taluk,
Mysore District.

Read letter from the Dy: Commr. of Mysore dy 5/7/90, No 426.
Do Do dy 19/7/90, No 477. Decision. 8.9.90.

Petitioner complain[illegible]
unjustly deprived of his In[illegible]

The facts of the case are
follow;

Petitioner held an Inam
of which, according to old account
Kolagas Dry or 7.80 acres.
In 1862 on a complaint that Peti[illegible]
croached upon Govt. waste the l[illegible]
measured and the excess disc[illegible]
was disposed of as follo[illegible]

Land confirmed as Inam.
Land fully assessed & given to In[illegible]
Do given to others on full ass[illegible] on Patt[illegible]
Land treated as Khara[illegible]
not included in In[illegible]
Land included in anoth[illegible]
owing to a boundary [illegible]

apipt

7	8.4..
54.18	59.12..
2.25	68....

ontention is that the whole
boundary stones fixed
eing nothing to shew that
ot altered, and the matter
isposed of so long ago as
decline to reopen the case.

order

L

7 9 13-9-90 Chief Secretary
4 20 E VP

y forwarded to the ... mnt, Mysore
ith the ver papers rec with his No 424
ly 1890.

By order

C Secretary.

103

No. 2874. LR

Endorsement. 8.9.90

In reply to his Petition dated 10th March 1890 Tippe
Gowda of Bhavikoppal, Nagamangala Taluk,
is informed that the question of excess in h
Inam having been disposed of so long ag
as 1862, the Govt. decline to re-open the cas
~~is informed that~~

The enclosures are herewith returned.

14/9

By Order,

Secretary.

MYSORE DEWAN'S OFFICE,
PETITION DEPARTMENT,
Dated 14th Sept. 1890.
Despd: 20th D

.02

ac

Tot.

Inam

other land ..

8

5

6

Petitioner's c

land is within the

1822. There b

1 ... 3

G. R. S. IX-5]

Previous references.

LR 34-80.
" 52-83

1889-90

192 .

(LR.)

File No. 81-89

Serial Nos. 1-9.

Later references.

LR 156-94

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-9.

M ~~Part~~ B for September 1890

SUBJECT.

tion of Tipperegowda of Bhavikoppal, Nagamangala Taluk, having been deprived of his Inam land.

6. The Deputy Commissioner, Mysore District

No. 7167 / 424. Dt. 13-9-90 / 20.9.90.

Stating that the question of Excess in his Inam having been disposed of, so long ago as 1862, the Government will decline to reopen the Case.

WD 2233—GPB—20,000—14-6-20

Countersigned
Sd/- [illegible] Indexed
[illegible]

with his
10 days.
Mr Mackley
missioner
Mysore D.

12

(General Serial No. 31.)

OFFICE OF THE DEWAN OF MYSORE. 6 - JUL. 90

1890

From

To

The Chief Secretary to the Dewan
of Mysore.

Petition [illegible]
[illegible]
8/7/90

Dated 5th
Despatched July 1890
Received

Enclosures No. 6 x 2 Cau. pleas in sep. packet.

General No. 426
No.

Submitting report on petitions of Thippare Gowda of Bhavi Boran Koppal & Kempe Gowda & others of Konanoor, Nagamangala Taluk.

Submitted to the Council vide Dewans order on letter to Mysore Comr Camp No. 994 of 1-3-90.

7/90 A.R.

No: 44.

Bangalore 20th November 1883.
From the Inam Superintendent
in Mysore
To,
The Secretary to the Dewan
of Mysore

Despatched 23rd November 1883.
Enclosures: File of certain
Corespondence

The Dewan's proceedings No: 3539 of the
154.
19th September 1885.

With reference to the above, has the honor to state that the Inam in question being a valid one has been now confirmed to the petitioner and his Co-sharers, cancelling the original order for resumption, under the authority conveyed in the said proceedings.

2. The Enclosures of the proceedings under reply are herewith returned.

"Signed" J. P. Grant
Supt. of Inam Settls.

"Copy"

D Nomacullor
Sub Division Officer
French Rocks

the device of altering these boundary works at pleasure is or was of too frequent occurrence to be admitted as absolute proof. Indeed in a somewhat similar case which took place in 1858 when a large excess was found on the measurement of an enamty land which was shewn to be enclosed within the existing line of boundary stones, the Commissioner ruled that the quantity found in excess of the authorized holdings, should be brought to account. It was the opinion of the 4th Class native Assistant in the present case that the excess quantity could not be relinquished to the enamdar and that it should be assessed with condayem in the usual manner, a remission being allowed for a portion that was uncultivated."

In this opinion I concurred and orders were passed accordingly.

"Signed" T. G. Clark
Deputy Superintendent
8th October 1863. / Hassan District

(True Copy)
Signed / A. G. Tomson
Offg. Supdt
Hassan District

"Copy"

D Mumaeal Bm
Sub Division Officer
French R.

29 No. 16 E. No 7 & Compy
Dy 23-4-86.

From, The Sub Divn Officer
Frenchbrooke

To,

The Chief Secretary
to the Dewan of Mysore

Sir,

In reply to your official Memorandum No: 573 dated the 7th December 1885 forwarding for report petition No: 1682 dated 29th August 1885 from Tipperi Gowda of Baviborana Koppal, Honakere Hobli, Nagamangala Taluk, I beg leave to refer you to letter No: 297 dated the 20th July 1881 from the Dy Commissioner of the late Hassan District the draft of which together with other correspondence on the subject is herewith submitted for ready reference.

The facts of the case are so fully and clearly stated in the letter of the Deputy Commissioner above quoted that I have nothing new to add to it.

The claim of the petitioner Tipperi Gowda to all the lands which he says are included within his boundary stones does not appear to be valid and should I think be rejected.

I have &c.

"Copy" Signed/B. Tirumalachary.

Sub Division Officer
F. Rooks

Copy

D. Nanacullah
Sub Divn Officer
Frenchbrooke

Copy of Judgt in A.S. No. 114 of 88 Contd

be determined without making the revenue authorities, who grants the same, parties to the suit.

8. The respondents can support the decree upon any of the grounds decided against them in the court below (See sec 561 of the C. P. C). They contend that the pltffs are not in possession of the land in dispute and that this suit brought for a mere declaration is not maintainable. They advanced this plea in the lower court but without success. The Munsiff has evidently misapprehended the character of the suit. He has overruled the said objection on the ground that "the suit is not merely a declaratory suit and that the pltffs sue for an injunction against the defts, as well as for the cancellation of the patta". But the plaint does not warrant that observation. It simply

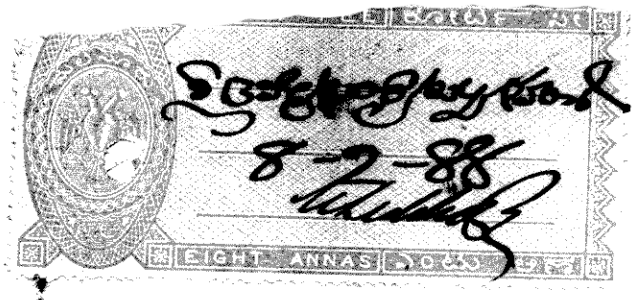
asks

Copy of Judgt in AS No 114 of 88 Contd

two years. The 4th & 5th witnesses substantially corroborate the testimony of the 3d witness. There is thus abundant evidence to prove that the defts have been in possession of the suit land for the last 2 or 3 years. The plffs being thus out of possession, they ought to have sued for the recovery of possession & not for a mere declaration. The present suit is consequently not sustainable.

9. That being so, the other points in dispute need not now be determined. The lower court ought to have dismissed the suit on the preliminary ground above mentioned.

10. It is not clear upon what ground the Munsiff has departed from the usual rule in the matter of the award of costs. The respt's objection on this score is entitled to prevail.



Judgment

Original Suit No 783 of 1887.

Before the Court of the Moonsiff of Sereiyap

Present: M. Ramalu mi Iyer Esqr B.A. B.L. Moonsiff

1. Tipare Gowda
2. Krishna
3. Tipara
} Plaintiffs

1. Hunchi Gowda
2. Dingri } minors
3. Chalwa }
by their mother and guardian Chenni
} Defendants.

This suit is brought (1) to declare Plff's right to the land mentioned in the schedule (2) to restrain defendants from interfering with it (3) for cancellation of the Putta which they have fraudulently obtained and (4) for all costs of this suit.

The plaint is as follows:—

Plaintiffs' own 4 Kandies and 12 Kolajas of land in Konanur attached to Honna Keri Hobli of the Nagamangla Taluq which was given to their ancestors partly as Inam and partly as Kandayem land.

The portion of the land in the bed of the Tank as described in the plaint schedule belongs to plaintiffs, and

Copy of Judgment in C. S. No 783 of 87
on the file of the Seringapatam Munsiff's Court

Strictly speaking the whole land situated within the Basavana Mudri kallos or stones bearing the figure of Basava must have been regarded as Inam and confirmed as such to the plaintiff's ancestors. The area and Beezavary of the land in their possession was given as 4 kandagas 3 kolagas and 9½ manas as follows.

Inam 12 kolagas.

Moosafarkhana Mantappa and valagari of Hosakatti 17½ kolagas & Banjar 11 kolagas and 9¾ manas.

Land confirmed to plaintiff's ancestors on payment of assessment - 2 kandagas 2 kolagas and 7¾ manas.

Total 4 kandagas 3 kolagas and 9½ manas.

This gives an insignificant difference of 8 manas or half a kolaga between exhibits 2 and 8. The boundaries of the Inam land were fixed in 1883 by the Taluq Sheristadar ~~but~~ out of the 17½ kolagas mentioned above 11 kolaga and 8¼ manas of land belong to the Valagari of the Katti and the Banjar thereunto attached. Of this 3 kolagas and 1½ manas of land

ntinued the grant of this land. It appears to me to be detrimental to their interests. The Katta also seems to suffer rather than profit by it. The dimensions of its bed will diminish + thereby its capacity will decrease and gradually the quantity of water will become less. Thus one of the chief objects for which it was constructed will be defeated. Several previous applications for this land and the lands adjoining it were refused. It does not appear what fresh reasons were adduced by the village authorities to induce the Govt. to accept Daraksbs for them now. The plffs and their ancestors and the Shan Bogues and their ancestors have all along been on bad terms and the latter appear to me to have set up certain ~~rights~~ ryots under their influence to apply for these insignificantly small plots of land which can under no circumstances sufficiently recompense them for their labor and trouble. The Beezevari of the land is 1 Kolaga.

th page

Under these circumstances and for these reasons I think It would be

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

98/1/P92

(General Serial No. 31.)

OFFICE OF THE DEWAN OF MYSORE
3584
25 JUL. 90
528

1890

LR 81-89-7.

From

To

The Chief Secretary to the ~~Dewan~~ Govt. of Mysore.

(32)

Petition Dft as 25/7/90

Dated 19th July

Despatched

Received

Submitted to Mr. Chentsal Rowjarm
Mr. Chentsal Rowjarm
Instructs

Enclosures No. (1 File)

General No. 477
No.

This office letter No 426 dated 5th Instant submitting report on the petition of Tiparé Gouda of Bhavikoppal in the Nagamangala Taluk.

Submitted to Mr. Chentsal Rowjarm
continuation of No. 426 / 3027 already
Submitted on 16-7-90.
9/7/90. A.R.

With reference to para 2 of the above, has the honor to submit herewith the petition of Kempé gouda and others, with its enclosures, received with Chief Secretary's docket No 277 of the 5th May last.

The undersigned regrets the delay in replying to the Chief Secretary and encloses a copy of the order

A1
28-7-90

in which he has noticed it
blame of the delay seems to b
equally distributed between
two offices that he has not
the example which is evident
required, this time.

J. J. McAlp
Dy Commissioner
Mysore Di

104

To

Thippere Gowda of Bhau[illegible]

[illegible] approval

[illegible]

[illegible]